UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

	No. 4:06-CR-43-FL-1 No. 4:16-CV-63-FL	
LARRY HILL,)	
Petitioner,)	ODDED
v.)	ORDER
UNITED STATES OF AMERICA,)	
Respondent.)	

This matter comes now before the court on preliminary review pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings of petitioner's motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence, filed on May 9, 2016. (DE 39). Upon review, the court finds that the criminal case number provided by petitioner is incorrect. The petitioner states that the criminal case number is "06-CR-43-IFL." Petitioner further states that he was sentenced in this criminal matter on February 4, 2014, to a sentence of 100 months imprisonment. However, in the purported case number, 4:06-CR-43-1-FL, as per the court's records, petitioner was sentenced on January 29, 2007, to 27 months imprisonment.

Query in court's Case Management and Electronic Case Filing system reveals other cases involving petitioner in this district, though under different names, including case number 4:13-CR-28-BR, <u>United States of America v. Larry D. Hill, Jr.</u>, wherein petitioner was sentenced before Senior Judge W. Earl Britt on February 4, 2014, to a sentence of 100 months imprisonment.

Accordingly, the court concludes that petitioner has specified the wrong criminal case number on his motion, which relates in substance to the conviction in case number 4:13-CR-28-BR.

Therefore, the clerk of court is DIRECTED to TERMINATE petitioner's motion under 28 U.S.C.

§ 2255 to vacate, set aside, or correct sentence filed on May 9, 2016, (DE 39), and the corresponding

motion to appoint counsel (DE 40) filed on that same date. The clerk of court is DIRECTED further

to docket these two motions in case number 4:13-CR-28-BR-1, which is the criminal docket of the

case in which the challenged judgment was entered. (See Rule 3(b) of the Rules Governing § 2255

Proceedings.) Other than the above, this court has not reviewed petitioner's motions for any

substantive issues or made legal analysis, as Senior Judge W. Earl Britt is better positioned to

address those issues. Petitioner is cautioned that failure to include the correct case number on his

filings impedes justice and causes confusion to the court and the clerk's office, and may result in

dismissal of his action.

SO ORDERED, this the 11th day of May, 2016.

ZOUISE W. FLANAGAN United States District Judge